BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

SANDRA STOGSDILL)
Claimant)
VS.	
) Docket No. 220,89
STATE OF KANSAS)
Respondent)
AND)
STATE SELF INSURANCE FUND	
Insurance Carrier)

ORDER

Claimant appeals from the preliminary hearing Order entered on August 20, 1997, by Administrative Law Judge Bryce D. Benedict.

Issues

Claimant contends the Administrative Law Judge erred in finding that the injuries were more likely than not aggravated by subsequent employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes the Order denying claimant's request for temporary total disability medical benefits should be affirmed.

Claimant suffered an injury while employed for respondent in January 1995 when she stepped through a hole on the porch of a client she was visiting. She experienced pain in her groin and hips but did not seek medical treatment until July 1995. She was then examined and treated conservatively until she returned to work in February 1996. Claimant thereafter continued to work until her employment was terminated with the State of Kansas

in November or December 1996. Claimant had been diagnosed with a herniated disc in 1986.

Shortly after leaving employment for the State of Kansas, claimant went to work for Three Rivers. At Three Rivers she performed services for elderly patients including getting their groceries, housekeeping services, and occasionally assisting them in or out of the bathtub or with walking. Claimant did not seek additional medical treatment until January 1997. In January 1997 she went initially to her family physician, Steven E. Barker, M.D. Dr. Barker referred her to Ali B. Manguoglu, M.D. Dr. Manguoglu diagnosed a herniated disk and performed surgery in April 1997. Dr. Manguoglu has submitted a letter dated June 16, 1997, stating that, in his opinion, the injury is work related. Claimant contends that, in the record of this case, the opinion of Dr. Manguoglu is essentially uncontradicted proof that claimant's current need for medical treatment relates to the injury at work two years earlier.

As above indicated, the Appeals Board finds, as did the Administrative Law Judge, that the evidence indicates more probably than not claimant's back condition was aggravated by her work at Three Rivers. The report from Dr. Barker indicates claimant advised him, in February 1997, "the work she was doing cleaning house and through her employment was causing this to be worse." Claimant was, at the time, cleaning houses and was employed by Three Rivers. In her testimony, she acknowledged that she told Dr. Barker her work for Three Rivers made the condition worse.

WHEREFORE, the Appeals Board finds that the Order by Administrative Law Judge Bryce D. Benedict, dated August 20, 1997, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this	day o	f Octo	ber 19	97.

BOARD MEMBER

c: Seth G. Valerius, Topeka, KS Roy T. Artman, Topeka, KS Bryce D. Benedict, Administrative Law Judge

Philip S. Harness, Director